

Issued January 11, 1913.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1848.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF ACETANILID TABLETS.

On June 10, 1912, the United States Attorney for the Southern District of Ohio, acting upon a report of the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Columbus Pharmacal Co., Columbus, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on August 5, 1911, from the State of Ohio into the State of Michigan of a quantity of acetanilid tablets which were adulterated and misbranded. The product was labeled: (On bottle) "500 Compressed Tablet Acetanilid 5 Grains. The Columbus Pharmacal Co. Columbus, Ohio. This article was determined to be perfect when leaving our laboratories. Should it not be received in good condition information should be sent us referring to Number on this label. 53539-79 This refers to lot from which it was taken. We preserve a sample from same lot and can trace it through all the details of its manufacture. Guaranteed by The Columbus Pharmacal Co., Columbus, Ohio, under the Food and Drugs Act June 30, 1906, Serial No. 3219."

Analysis of a sample of the product by the Bureau of Chemistry of this Department showed the following results: Weight of 10 tablets, 3.9245 grams; average weight 1 tablet, 0.39245 gram; 0.4008 gram substance gave residue 0.1096 gram or 27.38 per cent; acetanilid not more than 0.2885 gram or 71.98, corresponding to 4.36 grains per tablet; 0.2562 gram substance gave residue 0.0685 gram or 26.73; acetanilid not more than 0.1840 gram or 71.81, corresponding to 4.35 grains per tablet. Adulteration was alleged in the information because by reason of the label and brand on the product the standard of strength of each tablet of said drug was represented to be 5

grains of acetanilid, whereas in truth and in fact the tablets and each of them did not contain 5 grains of acetanilid, but did contain a lower amount, to wit, 4.36 grains, and therefore the strength of the product and of each tablet of it fell below the professed standard under which it was sold. Misbranding was alleged for the reason that the label and brand on the product bore a statement regarding it and the ingredients and substances contained therein, which statement, to wit, "Acetanilid, 5 grains," was false and misleading and deceptive in that it was calculated and intended to and did convey the impression and create the belief that each tablet of the product contained 5 grains of acetanilid, whereas in truth and in fact each tablet of the product contained a lower amount of acetanilid, to wit, 4.36 grains.

On June 10, 1912, the defendant company entered a plea of nolo contendere to the information and the court imposed a fine of \$5 and costs, amounting to \$18.85.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *October 25, 1912.*

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